

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF DELAWARE**

COMPLIANCE FILING IN THE MATTER OF THE )  
APPLICATION OF DELMARVA POWER & LIGHT )  
COMPANY FOR APPROVAL OF QUALIFIED FUEL ) PSC DOCKET NO. 20-0494  
CELL PROVIDER PROJECT TARIFF )  
(FILED JULY 22, 2020) )

**ORDER NO. 9641**

**AND NOW**, this 19th day of August 2020, the Delaware Public Service Commission (the “Commission”) determines and orders the following:

**WHEREAS**, on July 7, 2011, the Governor of the State of Delaware signed into law certain amendments (78 Del. Laws ch. 99)(July 7, 2001)(the “Amendments”) to the Renewable Energy Portfolio Standards Act, 26 Del. C. §§ 351-364 (“REPSA”) that added Delaware-manufactured fuel cells to REPSA and allowed energy output from such fuel cells to be considered a resource eligible to fulfill a portion of a Commission-regulated electric company’s renewable energy credit requirements under REPSA; and

**WHEREAS**, the Amendments were part of a comprehensive State economic development and renewable energy program in which a new form of base load generation was added in Delaware; and

**WHEREAS**, the Amendments created a regulatory framework whereby a Commission-regulated electric company and a Qualified Fuel Cell Provider (“QFCP”)<sup>1</sup> will jointly submit tariffs<sup>2</sup> that enable and obligate a Commission-regulated electric company, as the agent for

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<sup>1</sup> A “Qualified Fuel Cell Provider” is defined in 26 *Del. C.* § 352(16).

<sup>2</sup> The requirements for the tariffs are set forth in a previous Commission Order in PSC Docket No. 11-362, PSC Order No. 8025 (Sept. 6, 2011). *See also* 26 *Del. C.* § 364(b), (d).

collection and disbursement, to collect from its customers non-bypassable charges for costs incurred for incremental site preparation, filing, administrative, and other costs incurred by the QFCP, reduced by compensation for any revenues received from PJM<sup>3</sup> or its successors at law from the output of the Qualified Fuel Cell Provider Project ("QFCPP");<sup>4</sup> and

**WHEREAS**, in accordance with the Amendments, the Commission was directed to either approve or reject all tariff filings as proposed, without alteration or the imposition of any condition or conditions; and

**WHEREAS**, on August 19, 2011, Delmarva Power & Light Company ("Delmarva") filed an application in PSC Docket No. 11-362 for approval of a new electric tariff for Service Classification QFCP-RC and a new gas tariff for Service Classification LVG-QFCP-RC pursuant to the Amendments; and

**WHEREAS**, on October 18, 2011, the Commission issued PSC Order No. 8062, which approved Delmarva's tariff filing and ordered that the Commission would enter a formal Findings and Opinion in support of PSC Order No. 8062 later; and

**WHEREAS**, on December 1, 2011, the Commission issued PSC Order No. 8079, which, among other things, adopted Order No. 8062, set forth the Commission's formal Findings and Opinion approving Delmarva's application for a new electric tariff and new gas tariff, and adopted the allowance adjustments made by the Secretary of the Delaware Department of Natural

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<sup>3</sup> "PJM" means the regional transmission organization that coordinates the movement of wholesale electricity in the PJM region, or its successors at law. *See* 26 *Del. C.* § 352(14).

<sup>4</sup> Under 26 *Del. C.* § 352(17), a "qualified fuel cell provider project" means a fuel cell power generation project located in Delaware owned and/or operated by a qualified fuel cell provider under a tariff approved by the Commission pursuant to 26 *Del. C.* § 364(d).

Resources and Environmental Control ("DNREC") to the Renewable Energy Credit ("REC")<sup>5</sup> and Solar Renewable Energy Credit ("SREC");<sup>6</sup> and

**WHEREAS**, pursuant to the Commission-approved Tariff for Service Classification QFCP-RC, Delmarva will file on a monthly basis with the Commission a copy of the computation of the Service Classification QFCP- RC Charge ("QFCP-RC Charge") with current factors and reconciliation factors at least thirty days prior to applying such QFCP-RC Charge on customers' bills. See P.S.C. Del. No. 8 – Electric, Original Leaf No. 74d, Section F; and

**WHEREAS**, on July 22, 2020, Delmarva submitted its one hundred and first monthly compliance filing (the "Compliance Filing") to account for the varying QFCP-RC Charge for September 2020, including the typical charges and calculations. In addition, the reconciliation factors (true-ups) of the billing revenues, PJM revenues, and operational costs for the month of June 2020 were included in the QFCP-RC Charge; and

**WHEREAS**, the September 2020 QFCP-RC Charge, which is set forth on the attached **Exhibit "A,"** will be effective for bills issued between September 1, 2020, and September 30, 2020, absent a determination of manifest error by the Commission; and

**WHEREAS**, the Commission Staff ("Staff") reviewed the revised Compliance Filing, the calculations supporting the September 2020 QFCP-RC Charge, and the source documents supporting the true-up of the June 2020 QFCP-RC Charge, and observed no manifest errors in the Compliance Filing or the calculations therein; and

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<sup>5</sup> Under 26 *Del. C.* § 352(18), a "Renewable Energy Credit" or "REC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from eligible energy resources and that is used to track and verify compliance with the provisions of the RPS.

<sup>6</sup> Under 26 *Del. C.* § 352(25), a "Solar Renewable Energy Credit" or "SREC" means a tradable instrument that is equal to 1 megawatt-hour of retail electricity sales in the State that is derived from solar photovoltaic energy resources and that is used to track and verify compliance with the provisions of RPS.

**WHEREAS**, because Staff found no manifest errors, it recommends that the September 2020 QFCP-RC Charge be permitted to take effect for Delmarva customer bills issued between September 1, 2020, and September 30, 2020. This recommendation is subject, however, to two requirements. First, Delmarva shall provide to Staff, with each future Compliance Filing under REPSA, all documents which Staff requested from Delmarva as part of the review of this and any prior Compliance Filings. This includes, but is not limited to, Delmarva's workpapers. Second, this recommendation is subject to the requirement that Staff reserves the right to perform more detailed audits of any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NOT FEWER THAN THREE COMMISSIONERS**

1. The Commission approves Delmarva's July 22, 2020, Compliance Filing, including the September 2020 QFCP-RC Charge which is listed on the attached **Exhibit "A."**
2. Delmarva shall provide to Staff, with each future Compliance Filing made pursuant to REPSA, all documents that Staff requests or has requested from Delmarva as part of its review of this Compliance Filing, including, but not limited to, Delmarva's workpapers.
3. Staff hereby reserves the right to perform a more detailed audit of any months included in Delmarva's July 22, 2020 Compliance Filing and any and all months included in the Compliance Filing or any future tariff filings made to adjust the QFCP-RC Charge.
4. For any future claimed Tariff K payment, Delmarva must provide detailed information on the outage events, including, but not limited to, all the information set forth in the

outage event log Staff previously provided to Delmarva, before any recovery of a Tariff K payment<sup>7</sup> will be considered.

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chairman – Dallas Winslow

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Commissioner – Joann T. Conaway

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Commissioner – Harold B. Gray

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Commissioner – Manubhai C. Karia

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Commissioner – K. F. Drexler

ATTEST:

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Secretary – Donna Nickerson

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<sup>7</sup> See Delmarva Power & Light Company, P.S.C. Del. No. 8 - Electric, Original Leaf No. 74h – 74j, Sections K(1) to K(7), which set forth the requirements for when Delmarva must collect from its customers and make disbursements to the QFCP Generator in the case of a Force Majeure Event or Forced Outage Event.

**EXHIBIT "A"**

**September 2020 QFCP-RC Charge**

## EXHIBIT A

### SEPTEMBER QFCP-RC RATE \*

Service Classification	<u>\$ per kWh</u>	Change from Previous <u>Month</u>
Residential	\$ 0.004214	\$0.000169
Residential- Space Heating	\$ 0.004214	\$0.000169
Residential (PIV) Plug-In Vehicle Charging	\$ 0.004214	\$0.000169
Residential Time-of-Use NON-Demand "R-TOU-ND"	\$ 0.004214	\$0.000169
Small General Service - Secondary Non-Demand "SGS-ND"	\$ 0.004214	\$0.000169
Space Heating Secondary Service "SGS-ND" and "MGS-S"	\$ 0.004214	\$0.000169
Water Heating Secondary Service "SGS-ND" and "MGS-S"	\$ 0.004214	\$0.000169
Outdoor Recreational Lighting Svc - Secondary "ORL"	\$ 0.004214	\$0.000169
Medium General Service - Secondary "MGS-S"	\$ 0.004214	\$0.000169
Large General Service - Secondary "LGS-S"	\$ 0.004214	\$0.000169
General Service - Primary "GS-P"	\$ 0.004130	\$0.000165
General Service - Transmission "GS-T"	\$ 0.004033	\$0.000161
Outdoor Lighting PL	\$ 0.004214	\$0.000169
Outdoor Lighting SL	\$ 0.004214	\$0.000169

\* Effective January 2015 QFCP Filing the Residential Time-of-Use (R-TOU) rate class has been deleted in accordance with Delmarva Power & Light's Tariff leaf changes submitted on May, 1, 2014 associated with PSC Docket No. 13-115.